



General Assembly

February Session, 2004

***Amendment***

LCO No. 4945

\*SB0051404945HDO\*

Offered by:

REP. LAWLOR, 99<sup>th</sup> Dist.

REP. FARR, 19<sup>th</sup> Dist.

REP. WITKOS, 17<sup>th</sup> Dist.

To: Senate Bill No. 514

File No. 454

Cal. No. 510

***"AN ACT CONCERNING AN EMERGENCY JUDICIAL RESPONSE  
SYSTEM FOR FAMILY VIOLENCE CASES."***

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 54-63c of the general statutes, as amended by  
4 section 1 of public act 03-173, is repealed and the following is  
5 substituted in lieu thereof (*Effective October 1, 2004*):

6 (a) Except in cases of arrest pursuant to a bench warrant of arrest in  
7 which the court or a judge thereof has indicated that bail should be  
8 denied or ordered that the officer or indifferent person making such  
9 arrest shall, without undue delay, bring such person before the clerk or  
10 assistant clerk of the superior court for the geographical area under  
11 section 54-2a, when any person is arrested for a bailable offense, the  
12 chief of police, or the chief's authorized designee, of the police

13 department having custody of the arrested person shall promptly  
14 advise such person of the person's rights under section 54-1b, and of  
15 the person's right to be interviewed concerning the terms and  
16 conditions of release. Unless the arrested person waives or refuses  
17 such interview, the police officer shall promptly interview the arrested  
18 person to obtain information relevant to the terms and conditions of  
19 the person's release from custody, and shall seek independent  
20 verification of such information where necessary. At the request of the  
21 arrested person, the person's counsel may be present during the  
22 interview. After such a waiver, refusal or interview, the police officer  
23 shall promptly order release of the arrested person upon the execution  
24 of a written promise to appear or the posting of such bond as may be  
25 set by the police officer, except that no condition of release set by the  
26 court or a judge thereof may be modified by such officer and no person  
27 shall be released upon the execution of a written promise to appear or  
28 the posting of a bond without surety if the person is charged with the  
29 commission of a family violence crime, as defined in section 46b-38a,  
30 and in the commission of such crime the person used or threatened the  
31 use of a firearm. When cash bail in excess of ten thousand dollars is  
32 received for a detained person accused of a felony, where the  
33 underlying facts and circumstances of the felony involve the use,  
34 attempted use or threatened use of physical force against another  
35 person, the police officer shall prepare a report that contains (1) the  
36 name, address and taxpayer identification number of the accused  
37 person, (2) the name, address and taxpayer identification number of  
38 each person offering the cash bail, other than a person licensed as a  
39 professional bondsman under chapter 533 or a surety bail bond agent  
40 under chapter 700f, (3) the amount of cash received, and (4) the date  
41 the cash was received. Not later than fifteen days after receipt of such  
42 cash bail, the police officer shall file the report with the Department of  
43 Revenue Services and mail a copy of the report to the state's attorney  
44 for the judicial district in which the alleged offense was committed and  
45 to each person offering the cash bail. No police officer shall set the  
46 terms and conditions of a person's release, set a bond for a person or  
47 release a person from custody under this subsection unless the police

48 officer has first checked the National Crime Information Center (NCIC)  
49 computerized index of criminal justice information to determine if  
50 such person is listed in such index. If the arrested person has not  
51 posted bail, the police officer shall immediately notify a bail  
52 commissioner.

53 (b) The chief, acting chief, superintendent of police, the  
54 Commissioner of Public Safety, any captain or lieutenant of any local  
55 police department or the Division of State Police within the  
56 Department of Public Safety or any person lawfully exercising the  
57 powers of any such officer may take a written promise to appear or a  
58 bond with or without surety from an arrested person as provided in  
59 subsection (a) of this section, or as fixed by the court or any judge  
60 thereof, may administer such oaths as are necessary in the taking of  
61 promises or bonds and shall file any report required under subsection  
62 (a) of this section.

63 (c) In ordering the release of an arrested person upon the execution  
64 of a written promise to appear or the posting of a bond with or without  
65 surety as provided in subsection (a) of this section, the police officer  
66 may impose nonfinancial conditions of release, which may require that  
67 the arrested person do any of the following: (1) Remain under the  
68 supervision of a designated person or organization; (2) comply with  
69 specified restrictions on the person's travel, association or place of  
70 abode; (3) not engage in specified activities, including the use or  
71 possession of a dangerous weapon, an intoxicant or controlled  
72 substance; (4) avoid all contact with an alleged victim of the crime and  
73 with a potential witness who may testify concerning the offense; or (5)  
74 satisfy any other condition that is reasonably necessary to assure the  
75 appearance of the person in court. Any of the conditions imposed  
76 under this subsection by the police officer shall be effective until the  
77 appearance of such person in court. Failure to comply with any such  
78 condition shall constitute a violation of the conditions of release for the  
79 purposes of section 54-64f."

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>